

I. Provide your:

- A. Full legal name and any former names.

CURTIS EDWARD SHIRLEY

- B. Current home and office addresses, including email addresses and telephone numbers.

Office: 151 N. Delaware Street, Suite 1700, Indianapolis, IN 46204, 317.685.6512

- C. Date and place of birth.

October 10, 1960; Portsmouth, OH

- D. Complete a state police release form printed on green paper. Include the release only with the original application and not with the copies.

Attached.

- II. Attach a recent photograph of you to the front of the original application and to each copy of your application.

Attached.

- III. A. State in what county you currently reside and since what date.

Hamilton County, IN, July 2005-Present

- B. List all previous counties of residence, with dates.

Marion County, IN 1993-2005

St. Joseph County, IN 1992-1993

Marion County, IN 1988-1992

Union County, PA 1985-1988

Monroe County, IN 1983-1985

Vanderburgh County, IN 1963-1983

- C. When were you admitted to the Indiana bar?

June 7, 1991

D. Are you currently on active status?

Yes

e. What is your attorney number?

15845-49

IV. A. List below all colleges and universities you attended other than law schools. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree or Certificate</u>
University of Evansville,	1979-1983,	Bachelor of Music Education
Indiana University, at Bloomington	1983-1985	Master of Music in Trumpet Performance & Literature

B. List below all law schools and post-J.D. programs attended. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree and Class Rank</u>
Indiana University, at Indianapolis	1988-1991	Doctor of Jurisprudence for graduation honors, rank 1/210 at graduation date, rank uncertain
ICLEF	2002	Certified in civil mediation

C. Describe any academic honors, awards, and scholarships you received and when.

1997-Present, rated "AV" by Martindale Hubbell; and named in its Bar Register of Preeminent Lawyers

2004-2008, named an "Indiana Super Lawyer" by the Indianapolis Monthly Magazine

2005, Indiana State Bar Foundation, Pro Bono Publico Award

2004, Patron Fellow, Indiana State Bar Foundation;
Distinguished Fellow, Indianapolis Bar Foundation

2002, Dr. John Morton-Finney Excellence in Legal Education Award,
from the Indianapolis Bar Association

1991, Indiana University School of Law, graduation honors, *summa cum laude*;
Recipient, Phi Delta Phi International Lloyd G. Balfour Scholarship

1989-91, Chief Justice, Indiana University Student Senate Court of Appeals;
President, Phi Delta Phi Legal Fraternity;
Associate Editor, Indiana Law Review;
Officer, Indiana University Student Bar Association;
Instructor, Dean's Tutorial Society;
Indiana University Law School Faculty Appointments Committee

1990, Recipient, the Honorable Cale J. Holder Distinguished Scholarship Award;
Indiana University Law Alumni Scholar;
Harold R. Woodard Fellowship

1982, Phi Mu Alpha Sinfonia National Leadership Award

1982, Finalist, Gumberts Music Award Competition, playing the Tomasi Trumpet
Concerto, 1st movement

1979-82, Music Scholarships at the University of Evansville

V. A. Provide your employment history since graduation from [undergraduate]
college, including titles or positions, locations, and dates.

Home construction and rental home repairs with my father, including carpentry,
framing, electrical, painting, plumbing, carpet and hardwood floors, tile, drywall,
roofing, and masonry, -1983

Steel burner and machinist, International Steel Company, Evansville, IN, 1983

Trumpet Player, Evansville Philharmonic Orchestra, 1979-1985

Trumpet Player, Owensboro Symphony Orchestra, 1980-1984

Trumpet Player, Harrisburg, Pennsylvania Symphony Orchestra, Part Time 1986

Director of Bands and Orchestra, Lewisburg High School, Lewisburg, PA, 1985-1988

Law Clerk, American General Finance, Evansville, IN, Summer 1989

Law Clerk, International Business Machines, Armonk, NY, Summer 1990

Law Clerk, Ice Miller Donadio & Ryan, Indianapolis, IN, Summer 1991

Law Clerk for the Honorable James E. Noland, United States District Court for the Southern District Of Indiana, 1991-1992

Law Clerk for the Honorable Daniel A. Manion, United States Court Of Appeals for the Seventh Circuit, 1992-1993

Attorney, McTurnan Cadwell & Deer, 1993-1994

Attorney & Partner, Cremer Miller & Burroughs, 1994-2000

Law Office of Curtis E. Shirley, March, 2000 - Present

B. If applicable, describe the nature and extent of your practice of law, present and former, and provide the names of your partners, associates, office mates, and employers.

From 1993-1994 my primary client was Shelter Insurance Company involving the defense of insured clients accused of negligence, and also representing parties in general business litigation.

From 1994 to present, heirs and disinherited family members have focused my practice to estate related litigation, including will contests, trust contests, guardianship disputes, and claims. Primarily through referrals from other attorneys, my practice includes drafting about fifty estate plans and administering ten estates each year. My business litigation and securities fraud practice involves the representation of plaintiffs who may have nothing left if he or she does not succeed.

Attorneys frequently request advice on matters involving their clients, which sometimes leads to my testifying as an expert on corporate, probate, and tax matters, and writing opinion letters on which they can rely. For example, my most recent opinion letter involved whether or not a testamentary grandchildren' trust qualifies as an Electing Small Business Trust (ESBT) under Internal Revenue Code Section 1361(e), and whether or not a testamentary qualified terminable interest property (QTIP) trust can elect the status of a Qualified Subchapter S Trust (QSST) under Internal Revenue Code Section 1361(d). Attorneys also request advice on the formation of appropriate entities such as a corporation, limited liability company, partnership, and related tax matters.

Former Employers: Lawrence McTurnan, Charles F. Cremer, Jr.

Former Partners: Charles F. Cremer, Jr., John A. Cremer

Former Office-mates: Jeffrey B. Cadwell, William K. Deer, Phillip D. Burroughs, and Stephen K. Miller

Former Associates: Molly C. Johnson, G. Arlene Kline
Current Office-mates: Linda S. George, W. Russell Sipes, Kathleen M. Farinas, and
Todd C. Barnes

C. Describe the extent of your jury experience, if any.

I have tried one case to conclusion before an advisory jury, and have impaneled juries in a few cases which settled before verdict.

D. If applicable, describe the nature and extent of your judicial experience, including a description of your experience presiding over jury trials, if any.

I have presided over several cases as a temporary judge in the Marion County, Indiana Superior Court. I have not presided over any jury trials.

VI. A. If applicable, list by caption, case number, and filing date up to five of your trial or appellate briefs and/or written judicial opinions.

Brief of Appellees, *Zirkle v. Dearing*, Cause No. 33A05-0805-CV-306, filed August 11, 2008.

Brief in Support of Appointment of Special Administrator, *In the Matter of the Estate of Gladys J. Ender*, Cause No. 15C01-0411-ES-53, filed April 15, 2005.

Brief of Appellees, *In the Matter of the Estate of Richard C. Watson, Sr.*, 48A02-0304-CV-317, filed February 20, 2004.

Brief of Appellant, *In the Matter of the Guardianship of Josephine A. Hickman*, Cause No. 53A01-0306-CV-220, filed November 10, 2003.

Brief of Appellee, *Wagner v. Spurlock*, Cause No. 45A03-0303-CV-86, filed November 21, 2003.

B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, by date, and by subject matter.

None.

C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.

Course books at the Indiana University School of Law, Indianapolis: "Trusts & Estates" (2009), "Advanced Probate Litigation" (2007, 2008)

"Significant History of the United States Constitution and Bill Of Rights in England, 1600-1700", Indianapolis Law Club (2009)

"A Report on the Costs of Justice", Indianapolis Law Club (2008)

"The Legacy of Lawrence W. Inlow", Iclef (2004)

"Taxation in Contested Estates", Iclef (2001)

"Tortious Interference with an Expectancy", Res Gestae, VI.41 No.4 (1997)

D. Include with your application copies of any four of the written materials listed above in section VI. A., B., and C.

Attached.

E. Describe the nature and extent of any *pro bono* legal services you have contributed.

Since 1994 my standing relationship with the Indianapolis Legal Aid Society allows me to represent low income persons who need representation in contested probate matters. On average this has involved approximately two persons a year who need to file claims, transfer a decedent's real estate, obtain guardianship over an elderly parent, or where the dispute is outside the area of expertise of staff attorneys and referral attorneys.

Since 1994 I have represented many churches, religious organizations, and charities, at times charging only expenses or a nominal fee.

Because most financial institutions no longer serve as a fiduciary for estates and trusts that involve small amounts, many of my clients ask me to serve in that role, for expenses or a nominal fee. Examples include trustee of life insurance trusts, minor's trusts, charitable remainder trusts, and testamentary trusts.

The Marion County, Indiana probate court on occasion has appointed me as a special administrator, or guardian ad litem involving insolvent estates.

F. Identify the five most significant legal matters entrusted to you whether as a judge or lawyer, and describe why you believe them to be so.

1. My career has involved the representation of plaintiffs and defendants in over one hundred will and trust disputes. Decedents spend a lifetime accumulating wealth. Because of disputes, the estate is now under court supervision. These cases have much in common: children cut out in favor of a caretaker; children treated differently; the relationship between children and step children may change after their parents pass away; attorneys and close advisors try to inherit from clients. No

one questions that decedents have every right to determine who inherits their estate. Yet parties may dispute the decedent's soundness of mind, whether he or she properly executed a particular document, how to construe certain words, or was a victim of undue influence. The decedent's physicians, attorneys, friends, and expert witnesses all may have different opinions.

Attorneys entrusted with such significant cases need to know the trial rules, evidence code, probate code, trust code, guardianship code, tax codes (estate taxes and inheritance taxes), how attorneys should have drafted the disputed documents in the first place, and how to try a case. The litigation is difficult to resolve from the outset because the only witness whose opinion truly matters (the decedent) is not here to testify. The settlement of such cases resembles an ice cream pie: The sooner the parties decide how to slice it, the more the heirs inherit. Mediation thus plays an important part in resolving the financial issues, and getting beyond the litigation so that families can heal and not be divided for generations to come. Heirs fighting over an inheritance and who hesitate to settle should read Charles Dickens' *Bleak House*.

2. In 1995 a person with lupus received food and water intravenously. Her health insurance company had covered \$2.5 million (with a policy cap of \$3 million). Once limits were reached, the State of Indiana would cover all medical expenses. Because of liver damage, her doctors decided to provide food and water through a "J Tube". The insurance company did not cover this based on policy language which arguably defined a "J Tube" as a nutritional supplement. Various medical providers began collection proceedings, including the threat of foreclosure. Through my efforts the insurance company paid all outstanding bills and limits in exchange for a release. The insurance company cooperated and respectfully wanted to resolve the matter. The State of Indiana covered all future medical expenses, and my client kept her home.

This case illustrates how significant disputes can get resolved without the intervention of the courts. Attorneys understand the importance of talking to the right person, at the right time, and with the right message. Even where complaints are filed, mediation (as early as possible) reduces attorney fees, expenses, and the intangible costs of litigation.

3(a). In 2009 after her husband went into a nursing home, an elderly woman consulted with an attorney for Medicaid planning. Upon hearing of the advice, a financial planner converted all investments into cash and purchased rental real estate. Sounds innocuous enough – but the appraisals were fraudulent, a manager kept the rent, and sellers of the real estate either promised repairs never to be performed, or made payments "under the table". Of the \$250,000 initially lost, a significant amount was recovered within a few months. Trying to collect more has taken over two years, while four of the nine defendants filed for bankruptcy, and two others will if there is a judgment.

3(b). In 2003 an elderly woman appointed one of her daughters as attorney in fact (POA). The POA started to day-trade the investment account, which went from over one million dollars to \$35,000 in just a few short months. The matter settled by the daughter paying over most of her property and disclaiming any inheritance.

This type of case illustrates the countless victims of investment fraud and the increase of elder abuse in Indiana. As a lawyer practicing in this area, it is difficult to single out one particular case. Each client rightly believes his or her case is the most significant. Unfortunately, abuse and fraud are rampant. After saving for a lifetime, all can be lost in a single "Ponzi" scheme, or reliance on a trusted friend or relative. Attorneys have to act quickly to trace the property, and enjoin defendants from transferring funds. Even where litigation helps return property, it affects people the rest of their lives. If the attorney is not successful, an elderly person may lose his or her home, and may have to rely on charity or government assistance.

4(a). In 2002, a Mother of two young children died of a brain tumor while serving in the Marine Corp. The Mother had requested her brother raise the children. The natural father lived in California, had never seen his children, and owed significant child support. In my representation of the estate, the trial court faced the difficult decision of who would raise the children.

4(b). In 2010, as temporary judge in the Marion County, Indiana probate court, I faced the decision of who would raise two children. Due to the mother's drug addiction, the father had been awarded temporary custody, and they now lived in Tennessee. After the mother completed various treatment programs and obtained a steady job, the trial court heard cross petitions for permanent guardianship.

This type of legal matter exemplifies how our system of justice deals with significant, complex, and critical decisions. Attorneys have the responsibility to present the facts and cite the pertinent law so that a client's case is admissible and admirable. Judges use their best judgment to find the truth and apply the law to arrive at the right result. The quality of the attorneys' representation, and the judge's knowledge, wisdom, and understanding, play important roles in shaping future opportunities of the people involved, which in the above cases happen to involve children too young to have a voice in the process.

5. In 1993, a federal district court convicted a defendant of robbing four blind people. After sentencing, the defendant's mother was ill and in the hospital. He requested a stay of the sentence pending appeal, primarily to spend time with his mother. The Court denied the stay and ordered the defendant to report to the U.S. Marshall on Thanksgiving. Over ten law firms declined to represent the defendant. I sought and obtained a stay of the sentence from the Seventh Circuit pending a resolution of the appeal.

This case is significant because many attorneys and especially the public might cringe at the thought of anyone representing such a client. Yet the Indiana Supreme Court gives attorneys a monopoly on the practice of law which is only legitimate if every person, no matter what they have done wrong and no matter how we might feel about them, receives the best possible representation.

G. Provide the names, addresses, and telephone numbers of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court.

Vicki L. Anderson
Hackman Hulett & Cracraft
111 Monument Circle, Suite 3500
Indianapolis, In 46204
317.636.5401

William J. Dale, Jr.
DALE & EKE, P.C.
9100 Keystone Crossing, Suite 400
Indianapolis, IN 46240
317.844.7400

Robert W. York
7212 North Shadeland Avenue, Suite 150
Indianapolis, In 46250
317.842.8000

VII. A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice.

As an attorney in private practice, my primary focus is to help one person at a time. Most of my clients have never met with an attorney before; never been in a courtroom. Many have just lost a loved one. After learning about what has occurred, we first address a client's options, the risks involved with each choice, and the potential costs. When representing only one side of a family, the goal is usually to respect and honor the wishes of a deceased person (had he or she been of sound mind and free from influence).

Representing the poor in our community is a vital part of our legal system. There are many neighborhoods in Indianapolis where a deceased person owned a home and had no money. In many cases heirs live in a house for generations before needing a mortgage for repairs and having to open an estate to transfer title.

Every year the Indianapolis Legal Aid Society makes over 14,000 appointments, meets with over 8,000 clients, and averages over 2.5 court appearances per day. It is the busiest law firm in the nation, setting a national standard of excellence. I have great respect for those who contribute and support the Indianapolis Legal Society. Our attorneys, staff, board members, and donors, especially the United Way of Central Indiana, help administer justice to thousands of people.

Teaching attorneys in seminars (ICLEF and the Indianapolis Law Club), and teaching law students (at IU) gives me the opportunity to write articles and speak on a variety of topics to improve our legal system. Laws involving Wills and Trusts have evolved for centuries. With our population aging, these past few years have seen remarkable changes; *e.g.*, allowing courts to re-write estate plans in a guardianship case; allowing real estate to pass as non-probate property by a transfer on death deed. My website is an additional tool which allows attorneys and lay persons access to articles and sample documents.

B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues.

Two articles on political issues come to mind and are mentioned above. "Significant History of the United States Constitution and Bill of Rights in England, 1600-1700", Indianapolis Law Club (2009), and "A Report on the Costs of Justice", Indianapolis Law Club (2008). Our Constitution and rights have a significant history. Understanding history and the specific language used by its authors and our founders say much about how they wanted our laws interpreted, and how the Indiana Supreme Court should interpret our laws.

The cost of being a plaintiff or defendant in Indiana has risen dramatically. The current system of justice appears to favor the wealthy. The law historically as a profession has become the law as a business. Every commission and committee under the jurisdiction of the Indiana Supreme Court should review how our legal system can function with clients paying less and cases resolved more quickly.

The Indiana Supreme Court should also take a more active role in the accreditation process currently administered by the American Bar Association. Law school is far too expensive, and only a few law professors have any practical experience. Students graduate with enormous debt and have little ability to represent clients. Given that only a fraction of law students participate in civil or criminal clinics, one solution would be to expand what is now an optional few hours of practical experience to a mandatory and significant amount of time.

C. List any memberships and offices you have held in civic or charitable organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

United Way of Central Indiana, Planned Giving Council

University of Evansville, Planned Giving Council

Indianapolis Legal Aid Society, member (1995 to present), president (2002-2008)

Member of First Christian Church in Evansville, Indiana, and
Second Presbyterian Church in Indianapolis, Indiana

Extended Hand Prison Ministries, president and chairman of the board (1995 to present).

and I are supporters of Child Evangelism Fellowship, and Wheeler Mission

D. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Member of the Seventh Circuit, Indiana State, and Indianapolis Bar Associations, the Indiana Trial Lawyers Association, the Indianapolis Law Club, National Institute for Trial Advocacy, the Estate Planning Council of Indianapolis, and the Former Federal Law Clerks Society.

Phi Mu Alpha Sinfonia professional music fraternity (1979 to present). Chapter President (1981), National Executive Committee (1982-1985), Sinfonia Foundation Board of Trustees (1982-1985), and Province Governor (1990-2000).

E. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

Member and Past Master, Mystic Tie Masonic Lodge #398; Member and current officer, Indianapolis Valley of the Scottish Rite; Member of the Murat Shrine Temple. These organizations restrict membership to men.

F. Indicate your experience teaching law, and provide the dates, names of institutions or programs, and a description of the subject matter taught.

The Indiana University School of Law at Indianapolis employs me as an adjunct professor to teach "Probate Litigation" in 2007, and 2008, "Trusts and Estates" in 2009, and this coming spring of 2011.

Since 1997 the Indiana Continuing Legal Education Forum has asked me to chair and teach at least one seminar per year; *e.g.*, "Guardianship Litigation" (2009), "Hot Topics in Estate and Trust Litigation" (2009), "Estate Planning Under the

Guardianship Code" (2006), "Will Contests" (2006), "The Legacy of Lawrence W. Inlow" (2004), "Evidentiary Matters in Estate, Trust and Tax Litigation" (2002), "Taxation in Contested Estates" (2001), "Trust Litigation" (1999), and "Tortious Interference with an Expectancy" (1996).

From 2001-2005 I taught "Income Tax" for the Indianapolis Bar Association Bar Review Course. From 1989-1991 I taught younger law students as part of the Dean's Tutorial Society.

G. Describe your hobbies and other leisure activities.

and I are the proud parents of four amazing and wonderful children. l (9), i (7), . (5), and (4). Their interests have become ours. We enjoy many sports, including swimming, snow skiing, and bicycling. The "beach" might refer to Oval Beach in Douglas, Michigan or just as likely the sand traps at a golf course.

and I enjoy reading with our children, and have graduated from Dr. Seuss to the classics, such as Alexandre Dumas, Mark Twain, Charles Dickens, Robert Louis Stevenson, and especially Herman Melville's *Moby Dick*.

Personal interests include chess, classical music, cooking, golf, photography, poetry, and reading. Needless to say, the older our child the more they are exposed to our proclivities. My favorite authors include Umberto Eco, James Joyce, Tom Clancy, Steve Berry, Dan Brown, David McCullough, and Greg Isles. Favorite Bible commentary authors include Charles H. Spurgeon, John R.W. Stott, and Warren Wiersbe.

VIII. A. Provide names, addresses, and telephone numbers of three professional references other than those listed in section VI. G.

William F. Harvey
Dean and Professor Emeritus
Indiana University School of Law – Indianapolis
8949 Sassafras Court
Indianapolis, In 46260
317.872.4539

Lawrence A. Jegen III
Thomas F. Sheehan Professor of Law and Policy
Indiana University School of Law – Indianapolis
530 West New York Street, Room 309
Indianapolis, In 46202
317.251.5300

Martha T. Starkey
Harrison & Moberly
10 West Market Street, Suite 700
Indianapolis, In 46204
317.639.4511

B. Provide names, addresses, and telephone numbers of three personal references other than those listed in VI. G.

Edward A. Klint
Partner, CSC Federal Program Management Group
US Air Force ECSS SOA/Rice Integration and Release Manager
509 Canvassback Circle
Cincinnati, Oh 45246
513.300.5540

Colin Maiorano
President and Chief Financial Officer
Strategy Worx
12252 Aldenham Boulevard
Fishers, In 46038
317.416.3620

Paul A. Stewart
Manager, Global Business Development
Elanco Animal Health Division
Eli Lilly & Company
7120 North Pennsylvania Street
Indianapolis, In 46240
317.590.1099

C. List any lawsuits or legal proceedings in any jurisdiction, including bankruptcies and dissolutions, to which you have been a party. Provide dates, case numbers, names of other parties, and, if needed, a brief explanation.

Forrest Hilligoss, executor of the Estate of Lavon Crawford v. Curtis E. Shirley, Cause No. 49D05-0307-CT-1266 (dispute over the calculation of an alternative valuation date on an IRS Form 706);

Hoosier Outdoor Advertising Corporation v. Curtis E. Shirley and Leo Hickman, Cause No. 49D01-0601-CT-743 (dispute over conflict of interest and legal fees);

Raymond Breining v. Richard Harkness, Cause No. 49C01-0411- PL-4040 (although I am not a party, the issue is whether an attorney is liable where client sanctioned).

In the Matter of Curtis E. Shirley, Cause No. 49S00-0712-DI-581 (disciplinary commission matter involving a conflict of interest and an unreasonable fee for my representing and charging a corporation while also representing its controlling shareholder on an individual matter). An agreed statement of circumstances and conditional agreement for discipline is pending before the Indiana Supreme Court.

D. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

None.

E. If you are or have been a member of the bar of any other state, identify the jurisdiction and provide dates.

No other State jurisdictions. I am a member of the bar for the United States Supreme Court, the United States Tax Court, and the United States Court of Appeals for the Seventh Circuit.

F. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court disciplinary commission, by the Indiana commission on judicial qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number if applicable, and describe the circumstances and the nature of the outcome or resolution.

None.

G. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

None.

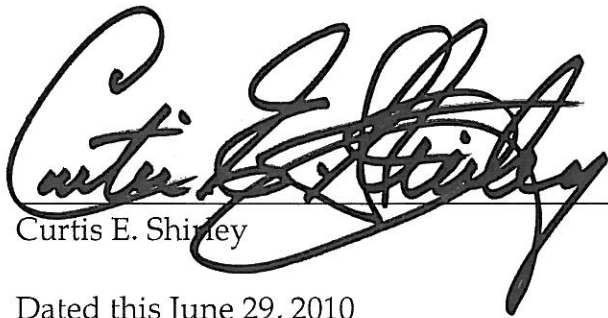
IX. A. Attach a recent statement from your physician describing your general physical condition.

B. Within the past three years, have you been diagnosed or treated for an emotional or mental condition or illness, including any condition that involves treatment for drug or alcohol use? If so, provide the dates of assessment and/or treatment and the names and addresses of your doctors or other treatment providers.

C. Are you able to perform the essential functions of justice on the Indiana Supreme Court, with or without accommodation?

Yes, without accommodation.

Respectfully submitted,



Curtis E. Shirley

Dated this June 29, 2010

WAIVER AND STATEMENT OF CONSENT

The undersigned applicant authorizes the release to the Indiana Judicial Nominating Commission or its staff or agents any records, reports, and documents, whether or not otherwise confidential, which may be requested by the Commission in the performance of its evaluations of candidates pursuant to I.C. § 33-27-3-2. The scope of this authorization extends to, but is not necessarily limited to, requests from the Commission for Federal, State or local tax records, criminal and driving histories from any jurisdiction, attorney and judicial disciplinary records from any jurisdiction, whether pending or closed, and credit reports and histories. The undersigned releases and discharges the Judicial Nominating Commission, its individual members, its employees, agents and representatives, the Indiana State Police, the Indiana Department of Revenue, the Indiana Supreme Court Disciplinary Commission and any other agency or person or their agents or representatives providing information to the Commission from any and all liability arising from the furnishing and use of information concerning the undersigned applicant.

The undersigned agrees and understands that the Indiana Judicial Nominating Commission or its members, agents, or employees, may interview or otherwise consult with members of the legal, judicial, and general community concerning the professional qualifications and the integrity of the applicant, that the name of the applicant will be released by the Commission upon its receipt of the application and this waiver, and that if, pursuant to I.C. § 33-27-3-2(d), the applicant is given further consideration as a candidate after the Commission's initial screening of candidates, or if no such screening occurs and all applicants are considered, the application will be made public. This waiver does not constitute an election by the applicant pursuant to I.C. § 33-27-3-2(g)(3)(C) to authorize the release of investigatory records which are excepted from public inspection pursuant to I.C. § 33-27-3-2(g)(1) and (2).

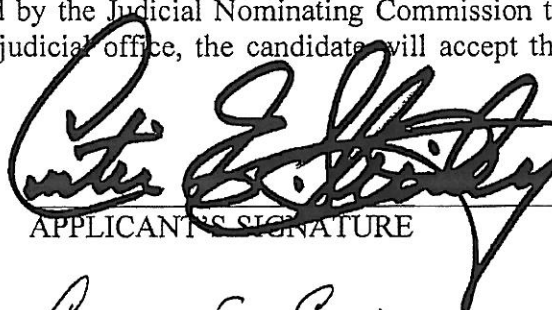
The undersigned agrees to immediately supplement this application upon any event or circumstance substantially affecting any answer provided in the application.

The undersigned acknowledges having read the Instructions attached to the application.

The undersigned agrees to resign from office or membership in any political organization upon submission of this application.

The undersigned affirms that, if nominated by the Judicial Nominating Commission to the Governor and thereafter appointed to this judicial office, the candidate will accept the appointment.

June 29, 2010
DATE


APPLICANT'S SIGNATURE
CURTIS E. SHIRLEY
PRINTED NAME